THE CITY OF SAN DIEGO, CALIFORNIA MINUTES FOR REGULAR COUNCIL MEETING

OF

TUESDAY, JUNE 15, 1993 AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:06 a.m. The meeting was recessed by Mayor Golding at 12:16 p.m.

The meeting was reconvened by Mayor Golding at 2:09 p.m. with Council Members Roberts and Hartley not present. Mayor Golding introduced Berna Akcali, a guest law student visiting from Turkey. The meeting was recessed by Mayor Golding at 4:26 p.m. to convene the Redevelopment Agency. Mayor Golding reconvened the meeting at 4:32 p.m. with Council Members Hartley and McCarty not present. Mayor Golding adjourned the meeting at 4:33 p.m. to meet in Closed Session in the 12th floor conference room to discuss pending litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-excused by R-282211 (vacation)
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

Clerk-Abdelnour/Fishkin (mc/so)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- Mayor Golding-present
- (1) Council Member Wolfsheimer-present
- Council Member Roberts-present (2)
- (3) Council Member Hartley-not present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present(6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

None.

ITEM-125: (R-93-1298 Rev.1) ADOPTED AS AMENDED AS RESOLUTION R-282170

> Replacing current Council Policy 100-12, with a new Council Policy 100-12 establishing guidelines, procedures and fees for issuance of Industrial Development Bonds; designating City economic development efforts as the first priority use of IDB fee revenues generated in excess of IDB Program administration expenses.

(See City Manager Report CMR-93-149.)

COMMITTEE ACTION: Reviewed by RULES on 5/24/93. Recommendation to support and forward to Council. Districts 2,3,5,6 and Mayor voted yea.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G435-H013.)

> MOTION BY STEVENS TO ADOPT AS AMENDED TO SET A POLICY WITH RESPECT TO ANY FIRMS HIRED IN RELATION TO INDUSTRIAL DEVELOPMENT BONDS, SUCH AS BOND COUNSELS, IN CONNECTION WITH PREPARING THE BOND PACKAGE FOR ISSUANCE, THAT THE FIRM WILL

COMPLY WITH THE CITY'S MINORITY AND WOMAN BUSINESS ENTERPRISE PROGRAM AND EQUAL OPPORTUNITY PROGRAM. COMPANY THAT COMES TO THE CITY THAT WILL BE DOING BUSINESS WITH THE BONDING COMPANY WILL BE REQUIRED TO PROVIDE THE CITY A COPY OF THE REPORT THAT THEY FILED WITH THE FEDERAL GOVERNMENT THAT SHOWS COMPLIANCE WITH MBE/WBE HIRING GOALS. ACCEPT COUNCIL MEMBER BEHR'S ADDITION TO THE MOTION THAT THE CITY MANAGER WILL NOW HAVE THE FLEXIBILITY TO CHARGE UP TO A MAXIMUM OF A CERTAIN AMOUNT, USING HIS DISCRETION, TO NEGOTIATE A DEAL WHICH CAN THEN COME TO COUNCIL SHOWING THIS IS, IN THE MANAGER'S BEST JUDGEMENT, THE MOST COMPETITIVE FEE. THE GUIDELINE IS THAT COUNCIL IS SETTING A MAXIMUM FEE, NOT THE ABSOLUTE FEE, SO THAT WAIVERS WOULD NOT BE REQUIRED. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-126: (R-93-1986) ADOPTED AS RESOLUTION R-282159

Approving a certificate of participation financing in an amount not to exceed \$11,500,000 for the San Diego State University Foundation.
(College Community Area. District-7.)

COMMITTEE ACTION: Reviewed by RULES on 5/24/93.

Recommendation to approve and forward to Council. Districts 2,3,5,6, and Mayor voted yea.

CITY MANAGER SUPPORTING INFORMATION: The SDSUF, a local 501(c)(3) nonprofit institution serving SDSU since 1943, has requested that the City hold a public hearing supporting issuance by the California Statewide Communities Development Authority Joint Powers Agency (the "JPA") of up to \$11.5 million of tax-exempt private activity conduit revenue bonds for the purpose of financing construction of the KPBS/Gateway Building, a 160,182-square-foot complex to be located on a 1.5-acre site owned by SDSU adjacent to the campus at Hardy and Campanile. This facility will house KPBS, the SDSU College of Extended Studies, the Entrepreneurial Management Center and SDSUF/Administrative offices. The JPA has preliminarily approved the project and will be the Issuer. It has previously issued bonds for various City-approved projects, including a prior issue for SDSUF. The JPA is endorsed by the League of California Cities and the County Supervisors' Association of California. issues only investment grade bonds. As previously, the City's name will not appear on the bonds and there will be no further City involvement in the transaction. By approving this financing through the JPA, the Council will be facilitating consolidation of KPBS facilities with educational television and radio stations serving the San Diego area and relocation of University-related office users which now occupy space within the proposed College Community Redevelopment Project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A172-299.)

MOTION BY McCARTY TO ADOPT. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-129: (R-93-1883) ADOPTED AS RESOLUTION R-282171

Authorizing the expenditure of not to exceed \$1,000, utilizing Facilities Benefits Assessment credits in lieu of cash from Account 79002, for the acquisition of property rights required for the I-5/Route 56 Project. (Carmel Valley Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: By cooperative agreement 11-0388 between City and CalTrans, approved October 5, 1992 by Resolution R-280809, the City agreed to provide all right-of-way necessary for the widening of I-5, which includes its intersection with Route 56. Acquisition of one parcel, totaling 5,180 square feet, is necessary to conform with this agreement. The owner of the parcel, Pardee Construction Co., has accepted the City's offer of \$1,000 and has requested that F.B.A. credits be used in lieu of cash for F.B.A. No. 79002.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G391-413.)

MOTION BY McCARTY TO ADOPT. Second by Vargas. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201 (R-93-1947) ADOPTED AS RESOLUTION R-282172

Approving the recommendation of the City Manager and the underwriting syndicate lead by Morgan Stanley regarding the matter of the Plan of Finance for the first phase of the consumers' Alternative Wastewater Treatment Program.

(See City Manager Report CMR-93-180.)

FILE LOCATION: WATER - Consumer's Alternative Wastewater

Treatment Program

COUNCIL ACTION: (Tape location: H013-087.)

MOTION BY McCARTY TO ADOPT. Second by Vargas. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330: CONTINUED TO JULY 13, 1993

Matter of the Hidden Trails Precise Plan; Otay Mesa Community Plan amendment; VTM, PRD/RPO/HR permits and Rezone 89-0739, located north of Otay Mesa Road, between Interstate 805 and Otay Valley Road. (District-8.)

NOTE: The applicant has filed a request to have this item withdrawn from this agenda and returned to the City Manager to be rescheduled and noticed at a future date.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A046-060.)

MOTION BY VARGAS TO CONTINUE TO JULY 13, 1993 AT THE REQUEST OF THE APPLICANT FOR FURTHER REVIEW. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: CONTINUED - DATE TO BE DETERMINED BY THE MAYOR (Continued from the meeting of June 1, 1993, Item 332, at Councilmember Behr's request, for full Council.)

Consideration of the land use designations of properties within the western Flight Activity Zone of Montgomery Field Airport. The City Council's consideration of recommended land uses in the Kearny

Mesa Community Plan and Progress Guide and General Plan is in response to the regional

Airport Land Use Commission's determination that the plans inappropriately designate property within the western Flight Activity Zone of Montgomery Field Airport for Commercial use. Following City Council action, the City will notify the Airport Land Use Commission of the decision of the City Council. (Kearny Mesa Community Plan. Districts-5 and 6.)

OPTION 1 - CITY MANAGER'S RECOMMENDATION:

Subitem-A: (R-93-1890)

Adoption of a Resolution designating the area within the western Flight Activity Zone of Montgomery Field Airport as Industrial and Business Park land use; declaring that the Kearny Mesa Community Plan shall become effective upon adoption of an appropriate amendment of the Progress Guide and General plan incorporating the plan at the next scheduled omnibus hearing; directing staff to return to the City Council with zoning recommendations which appropriately implement the Kearny Mesa Community Plan as it pertains to the western Flight Activity Zone area of Montgomery Field Airport.

Subitem-B: (R-93-)

Adoption of a Resolution declaring that the information contained in Environmental Impact Report DEP-87-0626 and Supplemental Environmental Impact Report DEP-91-0844 with Findings and statement of overriding considerations pursuant to California Public Resources Code Section 21081, have been previously reviewed and certified by this Council in connection with Resolution No. R-280820, adopted on October 6, 1992.

OR: OPTION 2:

Subitem-C: (R-93-)

A motion to override the decision of the regional Airport Land Use Commission and maintain the current land use designations in the Kearny Mesa Community Plan and Progress Guide and General Plan; making specific findings as stated in City Manager Report P-93-082.

(Six votes and specific findings required.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: A071-131.)

MOTION BY BEHR TO CONTINUE, THE DATE TO BE DETERMINED BY THE MAYOR, AT THE REQUEST OF REBECCA MICHAEL FOR FURTHER REVIEW. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332: (R-93-1594) ADOPTED AS RESOLUTION R-282160

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Campus Point Landscape Maintenance District.

(University Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Campus Point Landscape Maintenance District. The district provides maintenance of 25 acres of open space. The Fiscal Year 1994 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$13,000
Personnel	5,192
Utilities	6,125
Incidentals	5,811*
Total Expenses	\$30,128
Reserve	22,349
Total	\$52,477
Less Carry-over & Interest	27,000
Less City Contribution	625
Assessed to District	\$24,852

^{*} Includes Assessment District Management Fee of \$1,839.

The proposed amount to be assessed to the district in Fiscal Year 1994 is \$427 per net acre. The assessment amount per net acre in Fiscal Year 1993 was also \$427. The thirteen parcels in the district range in size from 2.0 net to 10.2 net acres.

FILE LOCATION: STRT M-278

COUNCIL ACTION: (Tape location: A300-360.)

Hearing began at 10:31 a.m. and halted at 10:35 a.m.

MOTION BY WOLFSHEIMER TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333: (R-93-1597) ADOPTED AS RESOLUTION R-282161

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the San Ysidro Boulevard Landscape Maintenance District.

(San Ysidro Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the San Ysidro Boulevard Landscape Maintenance District. The district provides maintenance for the landscaping, decorative pavement, decorative sidewalk and street amenities such as bollards, benches and planter boxes. The Fiscal Year 1994 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$17,500
Personnel	7,787
Utilities	1,325
Incidentals	9,317*
Total Expenses	\$35,929
Reserve	13,355
Total	\$49,284
Less Carry-over & Interest	17,700
Less City Contribution	343
Assessed to District	\$31,241

^{*} Includes Assessment District Management Fee of \$2,186.

The assessments are based on the frontage along San Ysidro Boulevard. The proposed unit assessment for Fiscal Year 1994 is \$16.80 per frontage foot of parcel. The assessment amount in Fiscal Year 1993 was also \$16.80 per frontage foot.

FILE LOCATION: STRT M-283

COUNCIL ACTION: (Tape location: A300-360.)

Hearing began at 10:31 a.m. and halted at 10:35 a.m.

MOTION BY WOLFSHEIMER TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334: (R-93-1612) ADOPTED AS RESOLUTION R-282162

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the First San Diego River Improvement Project (FSDRIP) Landscape Maintenance District.

(Mission Valley Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the First San Diego River Improvement Project Landscape Maintenance District. The facility proposed to be maintained consists of San Diego River earthen flood control channel, eight river islands inside the channel zone, and an approximately 20-foot wide buffer zone running along and adjacent to the channel embankments. The Fiscal Year 1994 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$310,000
Personnel	35,183
Utilities	41,600
Incidentals	68,016*
Total Expenses	\$454,799
Reserve	126,011
Total	\$580,810
Less Carry-over & Interest	265,735
Less City Contribution	**
Assessed to District	\$315,075

^{*} Includes Assessment District Management Fee of \$27,758.

Fiscal Year 1994 assessments are approximately \$88 for the condo units, and from \$360 to \$58,000 for the individual parcels. The assessment amounts are the same as the previous Fiscal Year 1993.

FILE LOCATION: STRT M-279

COUNCIL ACTION: (Tape location: A300-360.)

Hearing began at 10:31 a.m. and halted at 10:35 a.m.

MOTION BY WOLFSHEIMER TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335: (R-93-1600) ADOPTED AS RESOLUTION R-282163

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the La Jolla Village Drive Landscape Maintenance District.

(University Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the La Jolla Village Drive Landscape Maintenance District. The district provides maintenance of the landscaped medians along La Jolla Village Drive between I-5 and Regents Road. The Fiscal Year 1994 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 5,000
Personnel	5,192
Utilities	2,700
Incidentals	8,918*
Total Expenses	\$21,810
Reserve	46,623
Total	\$68,433
Less Carry-over & Interest	25,000
Less City Contribution	695
Assessed to District	\$42,738

^{*}Includes Assessment District Management Fee of \$1,331.

The proposed assessment for Fiscal Year 1994 is \$18.66 per dwelling unit, compared to \$18.74 for Fiscal Year 1993.

FILE LOCATION: STRT M-280

COUNCIL ACTION: (Tape location: A300-360.)

Hearing began at 10:31 a.m. and halted at 10:35 a.m.

MOTION BY WOLFSHEIMER TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336: (R-93-1603) ADOPTED AS RESOLUTION R-282164

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Park Village Landscape Maintenance District.

(Rancho Penasquitos Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the assessments for the maintenance of landscaped medians and slopes in the Park Village Landscape Maintenance District. The developer of the subdivision will continue to provide all necessary maintenance for any newly landscaped areas until they are turned over to and accepted by the district. The Fiscal Year 1994 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 85,000
Personnel	18,166
Utilities	16,450
Incidentals	22,564*
Total Expenses	\$142,181
Reserve	58,696
Total	\$200,877
Less Carry-over & Interest	77,300
Less City Contribution	6,729
Assessed to District	\$116,848

^{*} Includes Assessment District Management Fee of \$8,678.

The assessments per dwelling unit for the two zones (zones 2 and 3) within the district for FY '94 and the previous fiscal year are tabulated below:

Zone 1 corresponds to the entire district.

Zone 2 3 FY '94 \$38.10 \$7.35

The assessment amounts for the previous Fiscal Year 1993 were also \$38.10 and \$7.35 respectively.

FILE LOCATION: STRT M-281

COUNCIL ACTION: (Tape location: A300-360.)

Hearing began at 10:31 a.m. and halted at 10:35 a.m.

MOTION BY WOLFSHEIMER TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337: (R-93-1606) ADOPTED AS RESOLUTION R-282165

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Rancho Bernardo Landscape Maintenance District.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Rancho Bernardo Landscape Maintenance District. The district provides maintenance of landscaped and paved street medians and streetscapes. The Fiscal Year 1994 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 95,000
Personnel	12,978
Utilities	27,500
Incidentals	32,743*
Total Expenses	\$168,221
Reserve	69,123
Total	\$237,344
Less Carry-over & Interest	107,900
Less City Contribution	13,221
Assessed to District	\$116,223

^{*} Includes Assessment District Management Fee of \$10,267.

The annual assessment for Fiscal Year 1994 will be \$8.02 per dwelling unit, as compared to \$8.08 for Fiscal Year 1993.

FILE LOCATION: STRT M-282

COUNCIL ACTION: (Tape location: A300-360.)

Hearing began at 10:31 a.m. and halted at 10:35 a.m.

MOTION BY WOLFSHEIMER TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-338: (R-93-1609) ADOPTED AS RESOLUTION R-282166

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Tierrasanta Landscape Maintenance District.

(Tierrasanta Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Tierrasanta Landscape Maintenance District. The district provides maintenance for the maintenance of open space, center islands, and street light and street name standards. The Fiscal Year 1994 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$287,100
Personnel	51,904
Utilities	85,450
Incidentals	61,594*
Total Expenses	\$486,048
Reserve	82,452
Total	\$568,500
Less Carry-over & Interest	151,800
Less City Contribution	39,972
Assessed to District	\$376,728

^{*} Includes Assessment District Management Fee of \$29,665.

The proposed assessment for Fiscal Year 1994 will be \$44.07 for a dwelling unit. The assessment for Fiscal Year 1993 was also \$44.07.

FILE LOCATION: STRT M-284

COUNCIL ACTION: (Tape location: A300-360.)

Hearing began at 10:31 a.m. and halted at 10:35 a.m.

MOTION BY WOLFSHEIMER TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-339:

Three actions related to Carmel Valley Facilities Benefit Assessment and State Route 56 funding, under Resolution of Intention R-281846, adopted on 4/27/93: (See City Manager Reports CMR-93-181, CMR-93-115, and CMR-93-66. District-1.)

Subitem-A: (R-93-1458) ADOPTED AS RESOLUTION R-282173

Designating two areas of benefit in Carmel Valley; confirming the description of Public Facilities
Projects, the Community Financing Plan and Capital
Improvement Program with respect to the Public
Facilities Projects; the method for apportioning the costs of the public facilities projects among the parcels within the areas of benefit and the amount of the facilities benefit assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and ordering the proposed public facilities project in the matter of the Carmel Valley Facilities Benefit Assessment Area.

Subitem-B: (R-93-1459) ADOPTED AS RESOLUTION R-282174

Declaring the assessment fee schedule contained in the Carmel Valley Public Facilities Financing Plan to be an appropriate and applicable development impact fee for all properties within the Carmel Valley Community that have either never been assessed under the Carmel Valley Public Facilities Financing Plan or have not otherwise agreed to the payment of Facilities Benefit Assessment fees.

Subitem-C: (R-93-2130) ADOPTED AS AMENDED AS RESOLUTION R-282175

Accepting the recommendations in City Manager Report CMR-93-181:

- 1. Approve the Carmel Valley Public Facilities Financing Plan for Fiscal Year 1994 with the revisions to the development schedule detailed in Attachment A to CMR-93-181.
- 2. Encumber the necessary funds so they will be available to design and construct the Neighborhood 1 Park on July 1, 1993.
- 3. Direct the Manager to allocate the right of way costs for SR-56 through the Future Urbanizing Area to the property owners in the Future Urbanizing Area, and to reimburse the six communities (Carmel Mountain Ranch, Carmel Valley, Mira Mesa, Rancho Penasquitos, Sabre Springs, and Sorrento Hills) currently allocated those right of way costs once development in the Future Urbanizing

Area proceeds. Also request that SANDAG allocate \$10 million in TRANSNET funds to the acquisition of right of way for SR-56 West in order to alleviate the impact on the Carmel Valley FBA.

4. Revise the Carmel Valley Transportation Phasing Plan to defer the requirement for certification of right of way in the Future urbanizing Area to the 9,000 dwelling unit threshold.

COMMITTEE ACTION: Reviewed by TLU on 3/17/93. Recommendation to approve the draft FBA, excluding funding for State Route 56. Districts 1,2 and 6 voted yea. Districts 5 and 7 not present.

* ADDITIONAL BUSINESS: (R-93-2131) ADOPTED AS RESOLUTION R-282180

Referring, for City Manager review, the fairness of the 12,000 average daily trips being generated onto Calle Cristobal, defunding of the assessment district and identifying regional funding for the road.

FILE LOCATION: STRT FB-8

COUNCIL ACTION: (Tape location: A061-068; A132-168; A418-D073; E029-G380.)

Hearing began at 10:39 a.m. and recessed at 12:15 p.m.

Testimony in favor by Allen Haynie and Joe Kalata.

Testimony in opposition by John Dean, Beth Brust, Vince Sincek, Karen Cody, Jerry Mailhot, Mindy Scarano, Ed Vasel, Jill MacDonald, Joni Samilan, Bruce Young, Allysan Bennett, Jan Fuchs, Alan Perey, Margaret Grimshaw, Cas Grimshaw, Gary Harden, Barbara Chinlund, Gabrielle Prater, Lorie Werseland, Teri Nance, Diana Clark, Harry Mathis, and Virginia Barnes.

Motion by Wolfsheimer to approve Subitem-A and Subitem-B. Approve Subitem-C with the following modifications:

- Approve the Carmel Valley Public Facilities Financing Plan for Fiscal Year 1994 with the revisions to the development schedule detailed in Attachment A to CMR-93-181, but adjusted as necessary to reflect modifications listed below.
- 2. Encumber all funds necessary to design and construct the Carmel Valley Neighborhood 1 Park on July 1, 1993.
- 3. Direct the Manager to allocate the right of way costs for SR-56 through the Future Urbanizing Area to the

- property owners in the FUA (delete remainder of paragraph).
- 4. Revise the Carmel Valley Transportation Phasing Plan by deleting the requirement for certification of right of way in the Future Urbanizing Area. If this is demonstrably infeasible, defer the requirement...to the 9,000 dwelling unit threshold.
- 5. Per T&LU recommendation, delete Carmel Valley FBA funding for acquisition of SR-56 right-of-way in the Future Urbanizing Area.
- 6. Secure funds for the construction of the Carmel Valley Community Park in FY 1994/95.
- 7. Direct the Manager to seek toll road status for SR-56, and to seek Transnet and other state and regional funds for any costs associated with SR-56 within the community of Carmel Valley.
- 8. Develop a reimbursement plan to repay the Carmel Valley FBA for SR-56/CVREP expenditures to date that exceed the \$2 million fair share FBA obligation for a 4-lane arterial. Reimbursement should include repayment of FBA funds allocated for litigation and condemnation settlements.
- 9. Provide legal notice, public hearings, and full participation to Carmel Valley and other affected communities for development of reimbursement agreements and/or future financing formulas regarding funding for SR-56.

No second.

Hearing resumed at 2:10 p.m. and halted at 4:01 p.m.

Council Member Roberts entered at 2:22 p.m.

Council Member Stevens entered at 2:48 p.m.

Motion by Behr to delete the funds to be used for mitigation for the San Dieguito River Valley from this FBA since that is not a requirement for mitigation in the Carmel Valley community. Second by McCarty. Failed by the following vote: Yeas-5,7. Nays-1,2,4,6,8,M. Not Present-3.

MOTION BY ROBERTS TO APPROVE THE FOLLOWING:

- 1. APPROVE THE CARMEL VALLEY PUBLIC FACILITIES FINANCING PLAN FOR FY 1994 WITH THE REVISIONS TO THE DEVELOPMENT SCHEDULE DETAILED IN ATTACHMENT A TO CMR-93-181 BUT ADJUSTED AS NECESSARY TO REFLECT MODIFICATIONS LISTED BELOW.
- 2. ENCUMBER ALL FUNDS NECESSARY TO DESIGN AND CONSTRUCT THE CARMEL VALLEY NEIGHBORHOOD 1 PARK ON JULY 1, 1993.

- 3. DIRECT THE MANAGER TO ALLOCATE THE RIGHT OF WAY COSTS FOR SR-56 THROUGH THE FUTURE URBANIZING AREA TO THE PROPERTY OWNERS IN THE FUA, AND TO REIMBURSE THE SIX COMMUNITIES CURRENTLY ALLOCATED THOSE RIGHT OF WAY COSTS ONCE DEVELOPMENT IN THE FUTURE URBANIZING AREA PROCEEDS. ALSO, REQUEST THAT SANDAG ALLOCATE \$10 MILLION IN TRANSNET FUNDS TO THE ACQUISITION OF RIGHT OF WAY FOR SR-56 WEST IN ORDER TO ALLEVIATE THE IMPACT ON THE CARMEL VALLEY FBA.
- 4. SECURE FUNDS FOR THE CONSTRUCTION OF THE CARMEL VALLEY COMMUNITY PARK IN FY 1994/95.
- 5. DIRECT THE MANAGER TO SEEK TOLL ROAD STATUS FOR SR-56, AND TO SEEK TRANSNET AND OTHER STATE AND REGIONAL FUNDS FOR ANY COSTS ASSOCIATED WITH SR-56 WITHIN THE COMMUNITY OF CARMEL VALLEY.
- 6. REFER TO THE CITY MANAGER, FOR FURTHER REVIEW, THE QUESTION OF MITIGATION FUNDS IN THE AMOUNT OF \$1.8 MILLION BEING SET ASIDE BY SANDAG FOR THE SAN DIEGUITO RIVER VALLEY.
- 7. REFER TO THE CITY MANAGER FOR REVIEW THE FAIRNESS OF THE 12,000 AVERAGE DAILY TRIPS BEING GENERATED ONTO CALLE CRISTOBAL, DEFUNDING OF THE ASSESSMENT DISTRICT AND IDENTIFYING REGIONAL FUNDING FOR THE ROAD.

Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY ROBERTS TO REVISE THE CARMEL VALLEY TRANSPORTATION PHASING PLAN BY DELETING THE REQUIREMENT FOR CERTIFICATION OF RIGHT OF WAY IN THE FUTURE URBANIZING AREA. IF THIS IS DEMONSTRABLY INFEASIBLE, DEFER THE REQUIREMENT...TO THE 9,000 DWELLING UNIT THRESHOLD. Second by McCarty. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-not present, Stevens-yea, Behr-nay, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea. Motion by Wolfsheimer to follow the T&LU's recommendation to delete the Carmel Valley FBA funding for the acquisition of SR-56 right of way and CVREP in the FUA to stop the leak of funds. No second.

ITEM-340:

Two actions related to the Mira Mesa Facilities Benefit Assessment, under Resolution of Intention R-282012, adopted on 5/24/93:

(See City Manager Report CMR-93-126. District-5.)

Subitem-A: (R-93-1589) ADOPTED AS RESOLUTION R-282167

Designating an area of benefit in Mira Mesa; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the public facilities projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and ordering the proposed public facilities project in the matter of the Mira Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-93-1590) ADOPTED AS RESOLUTION R-282168

Declaring the assessment fee schedule contained in the Mira Mesa Public Facilities Financing Plan to be an appropriate and applicable development impact fee for all properties within the Mira Mesa Community that have either never been assessed under the Mira Mesa Public Facilities Financing Plan or have not otherwise agreed to the payment of Facilities Benefit Assessment fees.

COMMITTEE ACTION: Reviewed by TLU on 5/5/93.

Recommendation to accept the draft FBA and forward to City Council. Districts 1,2,5, and 7 voted yea. District 6 not present.

FILE LOCATION: STRT FB-12

COUNCIL ACTION: (Tape location: A300-360.)

Hearing began at 10:31 a.m. and halted at 10:35 a.m.

MOTION BY WOLFSHEIMER TO ADOPT AND TO NOTE FOR THE RECORD THAT ONE LETTER OF OPPOSITION HAS BEEN SUBMITTED FOR THIS ITEM. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-341:

Two actions related to the North University City Facilities Benefit Assessment, under Resolution of Intention R-282014, adopted on 5/24/93: (See City Manager Report CMR-93-127. District-1.)

Subitem-A: (R-93-1583) ADOPTED AS RESOLUTION R-282176

Designating an area of benefit in North University City; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the public facilities projects among the parcels within the area of benefit and the assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and ordering the proposed public facilities project in the matter of the North University City Facilities Benefit Assessment Area.

Subitem-B: (R-93-1584) ADOPTED AS RESOLUTION R-282177

Declaring the assessment fee schedule contained in the North University City Public Facilities Financing Plan to be an appropriate and applicable development impact fee for all properties within the North University City Community that have either never been assessed or have not otherwise agreed to the payment of Facilities Benefit Assessment fees.

COMMITTEE ACTION: Reviewed by TLU on 5/5/93. Recommendation to accept the draft F.B.A. and forward to full City Council. Districts 1, 2, and 7 voted yea. Districts 5 and 6 not present.

FILE LOCATION: STRT FB-1

COUNCIL ACTION: (Tape location: E029-036.)

Hearing began at 2:12 p.m. and halted at 2:13 p.m.

MOTION BY WOLFSHEIMER TO ADOPT. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Stevens-not present, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-342: CONTINUED TO SEPTEMBER 28, 1993

(Continued from the meeting of May 18, 1993, Item 332, at the applicant's request, to work out an agreement with the complainant.)

A position 'In Favor' of this appeal is a position in favor of the project.

A position 'Opposed' to this appeal is a position against the project.

Appeal of James Milch, Attorney, for Manuel A. & Mary Silva (Applicants) from the decision of the Board of Zoning Appeals in partially approving the request to maintain the following, currently in violation: (1) a maximum 14'-0" high combination retaining wall/open fence within the 15'-0" front yard where a maximum combined height of 9'-0" is permitted, provided that no single plane exceeds 6'-0" in height and that horizontal separations are provided in compliance with design criteria; (2) portions of said retaining wall/open fence within driveway visibility area where 3'-0 is the maximum height permitted; (3) a maximum 15'-2" high combination retaining wall/open fence within the interior side yard where a maximum combined height of 12'-0" is permitted, provided that no single plane exceeds 6'-0" in height and that horizontal separations are provided in compliance with design criteria; (4) a maximum 9'-10" high combination retaining wall/open fence within the 4'-0" rear yard where a maximum combined height of 12'-0" is permitted provided that no single plane exceeds 6'-0" in height and that horizontal separations are provided in compliance with design criteria; (5) a maximum 7'-2" high wrought iron gate within the 15'-0" front yard where a maximum 6'-0" high gate is permitted provided that the bottom 3'-0" is solid and the top 3'-0" is 50% open in compliance with design criteria; (6) a maximum 6'-9" column with a 2'-3" light fixture on top located within the required front yard where a maximum 3'-0" height is permitted; (7) said column also located within the driveway visibility area where a maximum 3'-0 height is permitted; (8) a maximum 9'-0" high column located within the required front yard where a maximum height of 3'-0" is permitted; (9) portion of said column located within the driveway visibility area; (10) maximum 4'-0" high combination open fence/solid wall located within the driveway visibility area where a maximum 3'-0" height is permitted; (11) a maximum 10'-4" high combination retaining wall and solid/open fence located within the required front yard where a maximum 9'-0" height is permitted provided that no single plane exceeds 6'-0" in height and the fence/wall

meets design criteria for fences. The subject property is described as Lots 1, 2, and 3, Block 39, Roseville, Map-305, and is located at 1311 Plum Street, in R1-5000 Zone, within the Peninsula Community Plan area. (C-21018. District-2.)

(Zoning Administrator recommended partial approval of the variance; was opposition. Board of Zoning Appeals voted 4-0 to partially approve the variance.)

(The Peninsula Community Planning Group has recommended denial of this project.)

Adoption of a Resolution granting or denying the appeal and granting or denying the variance, with appropriate findings to support Council action.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A020-045.)

MOTION BY ROBERTS TO CONTINUE TO SEPTEMBER 28, 1993 FOR FURTHER REVIEW. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-343: (R-93-1701) CONTINUED TO JUNE 29, 1993

Continued from the meetings of May 3, 1993, Item 150, and May 17, 1993, Item 203; last continued at the City Manager's request, for further review.)

Adopting the recommendation of the Public Facilities and Recreation Committee regarding the adoption of amendments to the weighted vote for the San Diego Area Wastewater Management District, as provided in City Attorney's Reports RC-93-22 and RC-93-17.

(See City Manager Report CMR-93-99 and City Attorney Reports dated 4/16/93 and 4/7/93.)

COMMITTEE ACTION: Reviewed by PFR on 4/14/93. Recommendation to approve the City Manager's recommendation to revise the District's weighted vote methodology with the additional stipulation that a motion calling for a weighted vote will not require a second to the motion.

Districts 3, 6 and 8 voted yea. District 7 voted nay. District 5 not present.

CITY MANAGER'S RECOMMENDATION: Approve the recommended revisions to the District weighted vote methodology.

OTHER RECOMMENDATIONS: The revised methodology was approved by the District Board of Directors with San Diego representatives abstaining.

CITY MANAGER SUPPORTING INFORMATION: The San Diego Area Wastewater Management District (District) Board of Directors has endorsed a new methodology for the District's weighted vote process. (City of San Diego Board Members abstained from this The existing methodology, pursuant to Section 316(a) of Senate Bill 1225 states, "...when the weighted vote is taken there shall be a total of 100 possible votes. Fifty of those votes shall be allocated to the City of San Diego, irrespective of its average daily flow. The allocation of the remaining fifty votes to the remaining member agencies shall be determined pursuant to subdivision (b)." The District's proposed methodology is as follows: Under this proposal, the call for a weighted vote would nullify the prior roll call vote. This procedure, calling for the weighted vote, is unchanged from existing procedure. Then, in order for a weighted vote to pass, two conditions must be met. The vote must be carried by both a majority of the flow (San Diego) and a majority of the regular votes (San Diego and at least five other votes based upon current membership). With this new system of weighted votes, San Diego would always be able to veto a measure because of controls of the majority of the flow. However, non-veto action on the part of the City of San Diego would require some consensus building. Additionally, a weighted vote would no longer be permitted in cases concerning the hiring, firing, or terms of employment for both the District General Manager and District General Counsel. A vote in support of this change will not immediately change District procedures. Final approval for these changes must be granted by the California State Legislature through amendment of Senate Bill 1225.

FILE LOCATION:

COUNCIL ACTION: (Tape location: H087-153.)

MOTION BY McCARTY TO CONTINUE TO JUNE 29, 1993 WITH DIRECTION TO THE CITY MANAGER TO TAKE THE RECOMMENDATION OF THE DISTRICT, AND GIVE COUNCIL A REPORT ON WHAT HIS RECOMMENDATION IS, EITHER ACCEPTING THE RECOMMENDATION OF THE DISTRICT OR A MODIFICATION OF THE DISTRICT'S RECOMMENDATION. EXPLAIN THE REAL IMPLICATION IN TERMS OF

THE PERCENTAGE OF RATE PAYERS THAT IS BEING RECOMMENDED AND IS NEEDED TO HAVE A VOTE THAT ALLOWS ONE TO CONDUCT BUSINESS. EXAMINE LIABILITY AND ASSETS ISSUES AND WHAT IT REALLY MEANS IN TERMS OF FLOW AND PERCENTAGE OF RESPONSIBILITY AND LIABILITY IF THE VOTE IS STRUCTURED IN THAT MANNER, ALONG WITH WHAT OTHER RECOMMENDATIONS THE MANAGER MAY HAVE. SHOW EXAMPLES OF COUNCIL'S ABILITY TO BE ABLE TO ACT, FOR INSTANCE ON REPLACING A DIRECTOR, WHAT IS IT GOING TO TAKE. Second by Stallings. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-344: (R-93-1980) ADOPTED AS RESOLUTION R-282178

Accepting a loan repayment in the amount of \$20,000 of sales tax revenues, from the Mt. Hope Redevelopment Project, into Fund 10227; authorizing the loan and transfer of \$20,000 from Fund 10227 to the Redevelopment Agency to be used for the Southcrest Redevelopment Project.

(See memorandum from SEDC. District-4.)

Aud. Cert. 9301104.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H153-189.)

MOTION BY McCARTY TO ADOPT. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-345: (R-93-1704) CONTINUED TO A DATE TO BE DETERMINED AT THE MAYOR'S DISCRETION

Declaring that following areas may be converted from low pressure sodium street lights to high pressure sodium or other white spectrum light, provided such street lights are on public property:

- 1. All property contained within the boundaries of the Centre City Redevelopment Project, including those properties which are not part of that Redevelopment Project.
- 2. All other redevelopment projects adopted pursuant to the California Community Redevelopment Law.

- 3. All "high crime" areas, with that term being defined as those census tracts in which the crimes against persons rate is greater than or equal to twice the City-wide average.
- 4. The Golden Hill revitalization areas, which are the 29th Street and 30th Street and Fern Street commercial areas.
- 5. All areas which have a business improvement district as set up and adopted pursuant to the Parking and Business Improvement Area law of 1989.
- 6. All major activity centers that provide nighttime commercial recreation and tourist oriented facilities, with an aggregate square footage of more than 200,000 square feet, such as the Golden Triangle in University City and the central La Jolla commercial area.

Directing the City Manager to form a task force made up of astronomers from the Palomar and Mt. Laguna observatories, other persons from the scientific community as may be necessary, citizens groups and other interested persons to investigate light pollution issues relating to public and private outdoor lighting, including but not limited to reassessing existing rules and regulations, and enforcement; requesting the task force to report back to the Council in one year with the results of its investigation and provide any recommendations it might have on issues such as shielding, light intensity and direction, and reflective qualities of the different types of lighting.

(See memorandum from Councilmember Hartley dated 3/30/93; City Manager Reports CMR-92-207, CMR-92-130, CMR-92-90.)

COMMITTEE ACTION: Initiated by PSS on 3/31/93.

Recommendation to refer to the City Council a recommendation to convert downtown, major activity centers, high crime areas, redevelopment areas, and business improvement areas including the Golden Hill Community revitalization areas to high pressure sodium lighting or other white spectrum lighting, and direct the City Manager to:

- 1. Update CMR-92-207 accordingly.
- 2. Provide information on areas with 1.5 and 2 times the Citywide average crime. Report back in a year's time on the status of the program after consultation with all involved parties.

- 3. Identify funding sources that do not impact the General Fund for the necessary improvements, and develop an appropriate phasing plan.
- 4. Establish a task force to reduce light pollution and return to the Committee in 3 months with a program to reassess light pollution issues of public and private lighting, working with the scientific community and others. The program should assess existing rules and regulations, their enforcement, and any new recommendations on shielding, light intensity and direction, and reflective qualities.

 Districts 1,2,3,4, and 8 voted yea.

FILE LOCATION:

COUNCIL ACTION: (Tape location: E011-029.)

MOTION BY BEHR TO CONTINUE TO A DATE THAT IS CONVENIENT, AS DETERMINED BY THE MAYOR, AT COUNCIL MEMBER HARTLEY'S REQUEST TO ALLOW HIM TO BE PRESENT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Stevens-not present, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S401: (R-93-1849) ADOPTED AS RESOLUTION R-282169

(Continued from the meeting of June 7, 1993, Item 113, at Councilmember Roberts request on behalf of the City Manager, for a report from EOCP.)

Authorizing the Purchasing Agent to solicit bids and award contracts for demolition of structures, as may be required for a period of one year beginning July 1, 1993 through June 30, 1994. (BID-F3766/93)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A373-395.)

MOTION BY McCARTY TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

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ADOPTED AS RESOLUTION R-282179 ITEM-CS-1: (R-93-2044)

A Resolution adopted by the City Council in Closed Session on Tuesday, June 15, 1993:

Authorizing the City Manager to pay the total sum of \$27,110.84 in the settlement of each and every claim against the City of San Diego, its agents and employees resulting from property damage claim to The Wayfarers Inn; authorizing the City Auditor and Comptroller to be and he is hereby authorized to issue one check in the amount of \$27,110.84, made payable to Luth & Turley, Inc., in full settlement of all claims.

FILE LOCATION: Meet

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:32 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H235).